

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ming-Fu Kuo
Serial No. : 10/700,493
Filed : November 5, 2003
Title : PUTTER

Art Unit : 3711
Examiner : Raeann Gordon

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

In response to the Decision on Petition mailed October 25, 2006, Applicant hereby request reconsideration of the decision

The application was abandoned because the Patent and Trademark Office records indicate that the issue fee was not paid.

The undersigned, applicant's attorney of record, first became aware of the abandonment on March 28 2006, upon receiving a telephone call from Examiner Raeann Gordon and submits that a Petition to Withdraw Abandonment was promptly submitted as required by 37 CFR §1.8(b)(1) on March 29, 2006.

Applicant's request is based on the following quote from the Manual of Patent Examining Procedures (MPEP601.03):

As provided in the Manual of Patent Examining Procedure, if more than one correspondence address is specified in a single document, the office will establish one as the correspondence address and will use the address associated with a Customer Number, if given, over a typed correspondence address (MPEP601.03). The Office inadvertently entered the typed correspondence address.

A Notice of Allowance was never received by our office and, therefore, a response was not filed. The Patent Application Information Retrieval system indicates that the notice of allowance was mailed on March 23, 2005, to an incorrect address. **Applicant submits that Applicant's Customer Number 23338 was properly identified on Applicant's Application Transmittal and on the Declaration Power of Attorney filed on November 5, 2003.** It is Applicant's contention that all correspondence is to be associated with Applicant's Customer

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Attorney's Docket No.: 3226/22

Number and Applicant's documents are to be mailed to the address associated with Applicant's Customer Number 23338 at the to the Notice of Allowance was mailed.

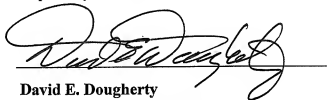
It is Applicant's further contention that on March 29, 2006, along with the Petition to Withdraw Abandonment Applicant submitted the Part B-Fees Transmittal and payment of the Issue and Publication Fees. Copies are provided which indicate that the U.S. Patent and Trademark Office accepted Applicant's Fees.

Applicant further submits that a Change of Address was submitted to the U.S. Patent and Trademark Office on April 27, 2006, now associating all future correspondence with Customer Number 22429.

In view of the foregoing, Applicant requests that the Notice of Abandonment be withdrawn and a the Application be allowed to issue.

Respectfully submitted,

Date: Nov 29, 2006



David E. Dougherty

Registration No.: 19,576
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALEXANDRIA VA 22314



COPY MAILED

OCT 25 2006

OFFICE OF PETITIONS

In re Application of
Ming-Fu Kuo
Application No. 10/700,493
Filed: November 5, 2003
Attorney Docket No. 3226/22

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.181
:

This is a decision on the petition filed March 29, 2006, under 37 CFR 1.181 requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is dismissed.

Any request for reconsideration should be filed within two (2) months from the mailing date of this decision. Note 37 CFR 1.181(f).

This application was held abandoned for failure to timely pay the issue fee and publication fee in reply to the Notice of Allowance (Notice) mailed March 23, 2005.

Petitioner asserts that failure to timely reply was due to nonreceipt of the Notice of March 23, 2005.

The Office follows the guidelines set forth in MPEP § 711.03(c) (see also "Withdrawing the Holding of Abandonment When Notices Are Not Received," 1156 *Official Gazette* 53 (November 16, 1993), which sets forth that, in the absence of any irregularity in the mailing of the Notice, there is a strong presumption that the Notice was properly mailed to practitioner at the address of record.

A review of the written record indicates no irregularity in the mailing of the Notice and is presumed to have been properly mailed to the address of record.¹

DOCKETED BY: *May*

DUE DATE: *12-25-06*

Req Recons/IDeration

¹A Change of Address was received in the USPTO on April 27, 2006.

Petitioner states that Applicant's Customer Number was properly identified on Applicant's Application Transmittal and on the Declaration Power of Attorney filed on November 5, 2003.

Petitioner should be aware that the number on the transmittal and the declaration mentioned above is not identified as a customer number. Also, on the declaration, petitioner stated to direct all correspondence to: DENNISON, SCHULTZ & DOUGHERTY, 612 CRYSTAL SQUARE 4, 1745 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VA 22202-3417.

For the reasons stated above, the petition to withdraw the holding of abandonment cannot be granted at this time.

Petitioner may wish to consider filing a petition under the unintentional provisions of 37 CFR 1.137(b). Public Law 97-247, which revised patent and trademark fees, provides for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." See 37 CFR 1.137(b) in effect as of December 1, 1997. *Note Changes to Patent Practice and Procedure; Final Rule Notice*, 62 Fed. Reg. 53131 (October 10, 1997), 1203 Off. Gaz. Patent Office 63 (October 21, 1997). An "unintentional" petition must be accompanied by the required petition fee.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement of unintentional delay is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

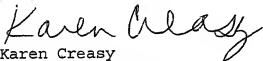
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

A handwritten signature in cursive script, reading "Karen Creasy".

Karen Creasy
Petitions Examiner
Office of Petitions

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 3 should be completed where applicable. All further correspondence including the Patent, advance order and notification of maintenance fees will be mailed to the current correspondence address as indicated below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Please Use Block 1 for any change of address)

7590

03/23/2005

DENNISON, SCHULTZ & DOUGHERTY
612 Crystal Square 4
1745 Jefferson Davis Highway
Arlington, VA 22202-3417

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,493	11/05/2003	Ming-Fu Kuo	3226/22	6281

TITLE OF INVENTION: PUTTER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	06/23/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
GORDON, RAEANN	3711	473-314000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB112) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Dennison, Schultz, Dougherty
& MacDonald

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

N/A

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

DC:2581

DE FC:1504

83 FC:8081

769.00 OP

308.00 OP

3.09 OP

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 1

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☒ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized by check the required fee(s), or credit any overpayment, to Deposit Account Number 04-0753 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(e)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the record of the United States Patent and Trademark Office.

Authorized Signature

David E. Dougherty

Date March 29, 2006Registration No. 19,576

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.